



2815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshiya UEMURA, et al. ✓

Serial No.: 09/819,952 ✓

Group Art Unit: 2815

Filed: March 29, 2001 ✓

Examiner: Bradley W. Baumeister

For: LIGHT-EMITTING DEVICE USING GROUP III NITRIDE GROUP COMPOUND
SEMICONDUCTOR AND METHOD FOR MANUFACTURING IT

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated May 9, 2003, the Applicant elects Group I (claims 1, 4, 6, 8, 10, 12, 14, 15, 17, 19, 24, 26, 28 and 30) with traverse.

Specifically, Applicant notes that for a proper restriction requirement, the Examiner must show that the inventions are independent or distinct, and that there is a serious burden on the Examiner (MPEP at §803.01). Applicant respectfully submits that claims 1-31 are directed to a single invention and are not independent and not distinct.

Further, the Examiner alleges that Group III is related to Groups I/II as a combination and subcombination. However, Applicant respectfully submits that these inventions are not distinct as alleged by the Examiner.

Moreover, Applicant notes that even if the Examiner can show that the inventions are distinct, the Examiner must show by appropriate explanation that the inventions are separately classified, that the inventions have a separate status in the art, or that the inventions involve a different field of search (MPEP §808.02).

In this case, the Examiner concedes that each of the inventions are in the same class (257) and subclass (79). The Examiner alleges that the inventions have acquired a separate status in the art. However, the Examiner fails to support this allegation, stating only that inventions have a "different classification" which is incorrect, as conceded by the Examiner earlier. Therefore, even if these invention are considered related, no reasons exist for dividing among them.

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election
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Therefore, Applicant submits that the claimed invention of claims 1-31 are directed to a single invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/9/09



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